United Nations S/2009/450

Security Council

Distr.: General
10 September 2009

Original: English

Report of the Secretary-General on children and armed conflict in Burundi

Summary

The present report, prepared pursuant to the provisions of Security Council resolution 1612 (2005), is the third country report on the situation of children and armed conflict in Burundi. It covers the period from September 2007 to June 2009, and illustrates the situation of children affected by the armed conflict in Burundi since my previous report (S/2007/686) and the subsequent conclusions and recommendations of the Working Group on children and armed conflict (S/AC.51/2008/6). The report notes that all children associated with armed groups in Burundi have been separated and reunified with their families.

The report notes that cases of rape and sexual violence, abduction and detention of children, and child recruitment by the Forces nationales de libération (FNL), led by Agathon Rwasa, increased during the period before the release of all children identified as associated with their forces in April 2009. The report emphasizes that, despite improvements in security, a climate of impunity for violators of the rights of children persists in Burundi.

The present report commends the Government of Burundi for progress made on issues that were addressed in my first and second reports, including the demobilization and reintegration of children associated with Forces nationales de libération and alleged FNL dissidents, improvement in the training of security forces, and ensuring protection and access to justice of victims of sexual and gender-based violence. The report encourages the Government of Burundi to consider the protection of children in the application of transitional justice mechanisms and in all provisions of security sector reform. It also encourages the Government to facilitate the adoption of an integrated child protection system. The report calls upon the Government to fully reintegrate all children from armed groups. It also urges the relevant authorities to act to redress impunity for crimes against children through the rigorous and timely investigation and prosecution of such cases.

09-49421 (E) 170909

Please recycle

I. Introduction

1. The present report, prepared pursuant to the provisions of Security Council resolution 1612 (2005), covers the period from September 2007 to June 2009, and illustrates the situation of children affected by the armed conflict in Burundi since my previous report (S/2007/686) and the subsequent conclusions and recommendations of the Working Group on children and armed conflict (S/AC.51/2008/6). The report outlines trends in the grave child rights violations set forth in Security Council resolution 1612 (2005) and highlights the progress made in ensuring effective protection of affected children and in programmatic responses to child rights violations in Burundi.

Political, military and social developments

2. The end of the reporting period was marked by the release of 340 children associated with the Forces nationales de libération (FNL) movement of Agathon Rwasa on 2 and 10 April 2009 and the remaining 40 children associated with the alleged FNL dissidents in the Randa and Buramata sites on 8 June 2009. With these latest releases of children, there are no longer any known cases of children associated with armed groups in Burundi.

3. During the period under review (from September 2007 to June 2009), the implementation of the Comprehensive Ceasefire Agreement signed in September 2006 between the Government of Burundi and the Parti pour la libération du peuple Hutu-Forces nationales de libération (Palipehutu-FNL; officially named FNL on 9 January 2009) was stalled from July 2007 to May 2008, and armed clashes between FNL and the Government took place in April and May 2008.

4. In order to assist in overcoming the stalemate, the South African Facilitator established in January 2008 a Political Directorate to address political obstacles arising in the course of the implementation of the Comprehensive Ceasefire Agreement and facilitate dialogue between the two parties. The Political Directorate is composed of the representatives of South Africa, the United Republic of Tanzania, Uganda, the African Union, the European Union and the United Nations, as well as representatives of the Government and FNL.

5. Concerted and sustained efforts as well as pressure from the leaders of the Regional Initiative for Peace in Burundi, the Facilitator, the Political Directorate and the international partners resulted in the return of the FNL leadership to Burundi in May 2008. After slow progress, the implementation of the Comprehensive Ceasefire Agreement culminated in April 2009 in the registration of FNL as a political party and, between May and June 2009, in the conclusion of the first phase of the implementation of the Agreement with the integration of FNL into the defence and security forces and national institutions. The demobilization and reintegration of adult FNL combatants began in June 2009 and is expected to conclude in August 2009.

6. The period from September 2007 to May 2008 was characterized by killings, maiming, theft, extortion and looting. Some of those violent acts were perpetrated by unidentified armed men during ambushes. As a consequence, several humanitarian non-governmental organizations (NGOs) that had been operating for many years in the areas where FNL combatants were present suspended their

activities pending improvement of the security situation. In the months from April to June 2008, the arbitrary arrest and detention of young people accused of association or attempted association with the FNL movement was observed.

II. Grave violations against children

A. Recruitment and use of children

Security forces of Burundi

7. During the period under review, there was no evidence of recruitment of children by the Forces nationales de défense (FDN). The Government has shown its commitment to respecting international norms in this regard by becoming a State Party to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which it ratified in June 2008. In conformity with the Optional Protocol, Burundi has made 18 years the minimum age of recruitment in the army's regulations.

Forces nationales de libération

8. During the period under review, FNL recruited and used children in its movement. Those recruitments were reported mostly during the heavy clashes between FDN and FNL in April and May 2008. A spike in reported recruitment of children was also witnessed during June 2008, when FNL combatants were gathered in pre-assembly areas.

9. From January 2008 to February 2009, 55 children from 11 to 17 years of age were reportedly recruited by FNL. Most of them were students recruited along with their schoolteachers or, in some cases, by their schoolteachers who had an association with FNL.

10. Details of those recruitments are as follows: in April 2008, four boys aged 15 and one aged 17 were reportedly recruited by a primary schoolteacher in Bujumbura Rural province to join FNL. On 21 May 2008, three boys believed to be between 14 and 17 years of age and three other suspected minors of approximately 17 years of age were recruited by FNL members present in Muzinda camp in Bujumbura Rural province. According to a local authority of Bukeye colline, Muramvya Province, around 12 pupils believed to be minors from the local secondary school of Nyamirambo were among the approximately 100 people recruited by FNL in early May 2008 to attend ideological and military training in Kibira forest, bordering the provinces of Bubanza, Kayanza, Cibitoke and Muramvya. The pupils came from the collines of Busangana, Burarana, Nyamirambo and Gashishima, all bordering the Kibira forest.

11. In June 2008, the end of the school year coincided with the beginning of the FNL assembly process, and several reports mentioned a simultaneous launch of a recruitment campaign. Young people, including children, joined FNL in large numbers in the expectation of integration into the national security forces or of receiving a reintegration package. Recruitment of students and teachers by the FNL was confirmed in the provinces of Bujumbura Rural and Bujumbura Mairie, where 6 teachers and 61 pupils aged from 12 to 20 years (among them 2 girls) were recruited. Moreover, 8 minors aged between 11 to 17 years were also recruited in

Makamba province. Thirty pupils, aged between 9 and 14 years, reportedly travelled to the commune of Kabezi, Bujumbura Rural province, to join FNL.

12. With the resumption in May 2008 of the activities of the Joint Verification Monitoring Mechanism of the Ceasefire Agreement between the Government of Burundi and FNL, the Joint Verification Monitoring Mechanism acknowledged the importance of the issue of the release of children associated with FNL. The opening of the Rugazi assembly area in June 2008 and the pre-verification of 2,155 FNL combatants showed a presence of children at the site. Sensitization sessions on the demobilization and reintegration process were conducted by the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration and advocacy actions by members of the Joint Liaison Team for the assembly process, including the United Nations Integrated Office in Burundi (BINUB) and the United Nations Children's Fund (UNICEF). The Joint Liaison Team is a body in the Joint Verification Monitoring Mechanism that is mandated to monitor the assembly process of FNL. It is composed of representatives of the Office of the Facilitator, the Government of Burundi, FNL, the African Union, BINUB Child Protection and UNICEF. Following those sessions, on 26 August 2008, FNL submitted a list of 30 children to the Facilitator of the Burundi Peace Process, Mr. Charles Nqakula, Minister of Safety and Security of South Africa. Despite advocacy attempts invoking all international legal instruments pertaining to children associated with armed groups, the plan for the release of the children through the Joint Verification Monitoring Mechanism with the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration, the United Nations Integrated Office in Burundi (BINUB) and the United Nations Children's Fund (UNICEF) was not conducted as planned on 23 October. The FNL leader declared that the issue of children associated with armed groups could not be considered outside the peace process and thus they would not be separated or released until the process had been finalized. Negotiations continued and, on 4 December, a declaration was agreed stipulating the immediate and unconditional release of children during the Regional Initiative Summit.

13. However, despite the 4 December Declaration, 13 boys ranging in age from 15 to 17 years, reportedly left their homes in the commune of Makebuko, Gitega province, in January 2009 and joined FNL of their own accord with the expectation of being integrated into the national army or police or of receiving a reintegration package.

14. Plans for the separation of children in pre-assembly areas were prepared following the nomination of FNL child focal points on 13 February 2009. The children were separated on 2 April 2009.

Forces nationales de libération dissidents

15. In September 2007, a group of approximately 3,200 alleged dissidents of FNL arrived in Bujumbura and were later transferred by the Government to the Randa and Buramata assembly areas in November 2007. Several children were among them. It took several sensitization and advocacy meetings with the dissidents before they accepted to submit a list of names in December 2007. A list of 135 names was later submitted; all belonged to boys ranging in age from 4 to 17 years. The FNL dissidents predicated the release of the children on the inclusion of the dissident group in the formal demobilization and reintegration process. After more than nine

months of continued advocacy and follow-up by the Government and the international community, 220 children were separated from the FNL dissidents in the Randa and Burumata sites on 25 April 2008. The children were transferred by the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration to Gitega for transit care and were reunified with their families in June and July 2008, with financial support from UNICEF.

16. In August 2008, a Presidential decree was issued establishing a National Verification Commission of the combatant status of FNL dissidents assembled in the Randa and Buramata sites. The commission registered an additional 69 children and submitted the list to the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration in September 2008. Owing to the closure of the national demobilization and reintegration programme on 31 December 2008, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration could not proceed with the separation of the children. Forty of the children were eventually separated on 8 June 2009. The remaining 29 of the 69 children originally registered were not separated as they had already attained the age of 18 years and were either reregistered as adults or could not be found in the assembly area.

B. Cross-border recruitment

Congrès national pour la défense du peuple

17. Operating from North Kivu, in the eastern Democratic Republic of the Congo, the Congrès national pour la défense du peuple armed group was allegedly recruiting young Burundians (no age specified) through Burundian intermediaries throughout October 2008. The Burundi National Police investigated possible recruitments in Cibitoke Province and Bujumbura Mairie, and it was later confirmed in November 2008 by a representative of the police that the Congrès national pour la défense du peuple was offering $100 to officers from national security forces and $40 to others to join the movement. No further information is available at the present time. No one has been apprehended to date.

Forces républicaines fédéralistes

18. A 16-year-old Burundian boy from Kayanza province reported that he had been taken from Kayanza to the Democratic Republic of the Congo in 2008 by a relative to herd cows in Minembwe in the Hauts Plateaux, in Fizi Territory in South Kivu province. He was taken by force by combatants of the Forces républicaines fédéralistes who ordered him to carry their personal belongings under threat of death. Upon arrival at their camp in Kamombo in Fizi Territory in South Kivu, the Forces républicaines fédéralistes combatants gave him a military uniform, and he was reportedly made to work as a cook for three months before he managed to escape to the Minembwe base of the Armed Forces of the Democratic Republic of the Congo, 112th Brigade. He was taken to the 10th Military Region in Bukavu, along with five other Burundian adults where he was detained for two months for association with armed groups before being handed over to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) Disarmament, Demobilization, Repatriation, Resettlement and Reintegration Section in Uvira on 4 May 2009. The MONUC Child Protection Adviser in Uvira contacted

the BINUB Child Protection Adviser who in turn contacted an international NGO for family tracing, which is still ongoing. The child currently remains in the demobilization camp for fear of attack, harassment or rerecruitment by the Forces républicaines fédéralistes if placed with a foster family.

Detention of children for alleged association with armed groups

19. At the end of October 2007, eight minors were detained in Mpimba prison, in Bujumbura Mairie province, accused of being associated with armed groups. Two of them were arrested in May and July 2007, respectively. They were released in early 2009.

20. Four boys who were arrested and detained in Ngozi prison in October 2005 for associating with FNL, along with eight adults, were acquitted after judgement of the Tribunal de Grande Instance of Kayanza. They were all released on 3 October 2008.

C. Killing and maiming

21. Three children were confirmed killed and two maimed during the heavy fighting between national security forces and FNL between April and May 2008. One 9-year-old boy was hit in the forehead by a grenade projectile in Kanyosha (Bujumbura Rural province) during the shelling on 17 April. He was evacuated and died the following day. In addition, two schoolchildren were killed in Kanyosha during a helicopter attack launched by Government forces on 18 April. A primary schoolboy in Gihanga (Bubanza province) was wounded by bullets on 21 April during the fighting between Government forces and FNL. He received medical treatment at the military hospital of Kamenge, Bujumbura.

22. In March and April, eight children were killed, including a 10-month-old baby, and seven children were maimed, by grenade attacks on their homes or family fields. Also, in May and June 2009, eight children were killed and 11 were maimed. For example, on 5 May 2008, an 8-year-old boy was severely wounded during an exchange of gunfire between an alleged member of FNL and soldiers in Muhuta commune, Bujumbura Rural province. The perpetrator and an Forces nationales de défense soldier were arrested. On 26 August 2008, in Rumonge commune, Bururi province, two children aged 16 and 3 years were killed during a household attack by armed men. The two presumed FNL perpetrators were lynched by the population. Nine people, including four FNL who had been denounced by local witnesses, were arrested.

D. Rape and other sexual violence

23. According to the statistics reported by the Seruka Centre, which assists survivors of sexual violence, the number of such cases perpetrated by uniformed personnel has decreased. However, reports of human rights observers in the field indicate that seven cases were attributable to FDN. FNL was cited for 12 cases, and 4 cases were attributed to the alleged FNL dissidents' group.

24. For example, on 15 December 2007, a soldier was accused of raping a girl in the commune of Nyanza-Lac, Makamba province. The presumed perpetrator was arrested. In a separate incident on 17 January 2009, in Mabayi commune, Cibitoke

province, a 16-year-old girl was reportedly raped by an FNL element. The presumed perpetrator fled the area, and the police are still ascertaining his whereabouts.

25. On a positive note, the recent adoption of the revised Penal Code by the National Assembly and the Senate with amendments that strengthen sentencing of perpetrators of sexual violence against children is welcomed.

E. Abduction

26. No information on abduction by armed forces or groups is available for the reporting period.

F. Attacks against schools and/or hospitals

27. During April and May 2008, clashes between Government forces and FNL combatants, which included the shelling of Bujumbura, a health centre in Mpanda commune, Bubanza province, was attacked and looted by FNL combatants. A health centre in Kanyosha, Bujumbura Rural province, was also damaged by shelling. Two primary schools were also shelled in Bubanza province.

III. Progress in addressing impunity for abuses

28. Cases of grave child rights violations, mainly sexual violence, are often reported. The provision of briefings and training sessions on child rights to security and defence forces and the judiciary is resulting in the arrest and prosecution of a number of perpetrators. Of a total of 43 cases that monitors followed closely, 23 were brought to justice. Of those, three sentences were delivered by the Tribunal de Grande Instance, seven are currently before the Tribunal awaiting judgement, and six cases are being examined by the Prosecutor. The remaining cases are still being investigated by the police because the alleged perpetrators either disappeared before arrest or escaped from detention cells, and some cases were settled amicably between the families and the local authorities. Some examples are given in paragraphs 29 through 31.

29. A soldier from the military camp of Muzinda, Bujumbura Rural province, who was arrested for the killing of an 11-year-old boy on 6 July 2008, was sentenced to 10 years imprisonment by a military tribunal, the Conseil de guerre of Bujumbura. Another soldier accused of raping a 13-year-old girl in Nyanza-Lac was sentenced on 15 February 2009 to 10 years imprisonment and fined 500,000 Burundian francs for damages.

30. The file of four FNL combatants accused of taking part in the killing on 28 August 2008 of two children in Rumonge commune, Bururi province, was transmitted to the Tribunal de Grande Instance of Bururi on 3 September 2008. They are awaiting judgement. Five other suspects have been released.

31. The file of a police agent accused of the rape of 18 children in Musongati commune, Rutana Province, was transmitted to the Tribunal de Grande Instance of Rutana in June 2008. A second hearing was held on 31 March 2009. The trial was ongoing at the end of the reporting period.

IV. Advocacy and dialogue for action plans

32. The period under review began and ended with advocacy letters from the Executive Representative of the Secretary-General in Burundi in December 2007 and from the Special Representative of the Secretary-General on Children and Armed Conflict in December 2008. The letters were addressed to the President of Burundi and to the leader of the FNL armed movement and called for the immediate and unconditional release of children associated with armed groups in Burundi and reminded the parties of their responsibilities to protect children rights.

33. In October 2008, UNICEF also requested the FNL leader, Agathon Rwasa, to confirm in writing his commitment to release the children associated with his movement and to designate focal points for children in each pre-assembly and assembly area.

34. Since the return of the FNL leadership to Burundi in May 2008 and the resumption of the implementation of the Comprehensive Ceasefire Agreement, several meetings were held to discuss the separation of children associated with FNL. In August 2008, FNL leader Rwasa agreed to facilitate the sensitization of his combatants for the identification of children associated with his forces. On 20 August 2008, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration, BINUB and UNICEF, along with members of the Joint Liaison Team on Assembly Areas, sensitized FNL combatants assembled in the Rugazi assembly area on the national demobilization, reinsertion and reintegration programme. The aim of the sensitization was to obtain the cooperation of FNL commanders in convincing all minors to register themselves on a list of children associated with FNL and also to sensitize all combatants, including children, to ensure their identification and release as soon as possible. After the session, FNL transmitted an official list of names of 30 children that its leaders continued to define as children whom "the movement cared for during the conflict and who were in need of assistance", rather than as children associated with their movement. The movement also transmitted to the Joint Verification Monitoring Mechanism a list of 21,100 combatants, including the names of 10 combatants below the age of 18.

35. The Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration, BINUB and UNICEF prepared a plan for the separation of the 30 children associated with the FNL present in the Rugazi assembly area and for their transfer to the Gitega transit centre on 23 October 2008, which FNL rejected. Another unsuccessful attempt was carried out on 24 December. According to FNL leader Rwasa, the release of children could not be considered separately from the rest of the peace process, that is, political conditions related to the demand that FNL change its party name for recognition as a political party and deliberation on the inclusion of FNL members in high-level posts in the Government, as well as agreement on the integration of FNL combatants into the security and defence forces. With the support of the Facilitator and the Political Directorate, those impediments were eventually overcome.

36. The Declaration of the Special Envoys for the Great Lakes Region of 17 January 2009 called on both the Government and FNL to start the demobilization and reintegration process for children by 30 January 2009.

37. In response to the Declaration of 17 January 2009, FNL sent a letter to the Political Directorate on 9 February mentioning, among other issues, the urgent separation of children associated with the movement even though the new demobilization and reintegration structure was not yet operational. On 13 February, FNL nominated eight focal points for children in each of the assembly and pre-assembly areas who were tasked with providing support to the sensitization, identification and separation process as well as with the transfer of the children to the transit centre in Gitega for eventual reunification with their families. The focal points were briefed by the BINUB Child Protection Adviser and UNICEF on child demobilization and reintegration and the role they would have to play during the process.

38. On 16 March, children and their commanders were sensitized in the Rubira assembly area on their identification and separation. On 2 April 2009, 88 children from the Rubira assembly area (72 identified on 19 March and 16 identified on the spot) and 24 children from Rugazi assembly area were formally released by FNL and handed over to the Government through the Technical Coordination Team[1] on demobilization, reinsertion and reintegration for their transfer to the Gitega demobilization centre. On 10 April, 228 children were released from five FNL pre-assembly areas (Gasarara, Kibuye, Manege, Matongo and Rukoko). In total, 340 children, including 6 girls, spent five to six weeks in transit care in the Gitega demobilization centre. The Technical Coordination Team managed the Centre with the assistance of two national NGOs that assisted in providing psychosocial care as well as organizing sports and cultural activities. A third national NGO also assisted in tracing their families, and sensitizing the communities and the families of the children, and conducted the reunification of all children. UNICEF funded those NGOs and financed the transit care of the 340 children with financial support from the Governments of France and Spain. UNICEF also contributed to the payment of two months of the reinsertion package, which is planned for 18 months, for the equivalent of $18 per month in food items, in order to avoid any disturbance during the family reunification. The remainder of the programming needs will be covered by the Technical Coordination Team when the reinsertion/reintegration programme resumes in September 2009.

39. As for the additional 69 identified children associated with the alleged FNL dissidents present in Randa and Buramata sites since September 2008, their separation was delayed by the end of mandate of the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration pending the operationalization of the Technical Coordination Team. In order to avoid any clash between the 340 children formerly associated with FNL and the 69 children in the Gitega Demobilization Centre, the separation of the children associated with the alleged FNL dissidents was delayed. The separation of 40 children (39 boys and 1 girl) took place on 8 June 2009 (the remainder of the 69 reached adulthood in the meantime). In order to avoid contact with the adults undergoing demobilization in the Gitega Demobilization Centre, the children were transferred to a Catholic institute in Matara, Bujumbura Rural province. They received transit care (registration, medical screening, psychosocial counselling, HIV/AIDS counselling and testing, and sensitization on peaceful cohabitation and on the demobilization

[1] The team is the successor of the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration.

and reintegration programme). This programme is managed by the Government with the support of World Bank funding and psychosocial and leisure programmes funded by UNICEF. The 40 children were reunited with their families on 8 July 2009.

V. Disarmament, demobilization and reintegration programmes

40. In total, 626 children formerly associated with armed groups are waiting for their remaining 16-month reintegration package (in-kind of food items equivalent to $18 per month) and reintegration into formal education, vocational training or income-generating activities according to the choice of the minor. Funding for the World Bank/Multi-Country Demobilization and Reintegration Programme in Burundi, including the child demobilization and reintegration programme, officially ended on 31 March 2008. While the donor community was discussing the next transitional phase of demobilization and reintegration with the World Bank and the Government, the issue of children associated with armed groups and their demobilization was kept on the agenda as a matter of concern and urgent response.

41. The establishment in February 2009 of the Technical Coordination Team on demobilization, reinsertion and reintegration, which is a Government body established by the National Commission for Demobilization, Reinsertion and Reintegration, signalled the start of the transitional programme. The terms of reference for the reintegration of children were submitted by the Team to the World Bank, which gave its approval. According to the plan, the Team proposed dividing the country into two zones to cover the 15 provinces where children were reintegrated. Two implementing partners have already been recruited to each cover each zone. The challenge will be to link this reintegration process with a longer-term community-based reintegration programme for vulnerable children under the leadership of the Ministry of National Solidarity, with the support of UNICEF, to avoid neglect of the children's longer-term reintegration needs after the initial 12 to 18 month reintegration project.

42. Despite continued advocacy and sensitization actions conducted by the BINUB Child Protection Adviser and UNICEF, which called on all stakeholders involved to proceed in the best interest of the children, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration was not able to address socio-economic needs of 246 children separated from the FNL dissident group. They were supposed to benefit from the same reintegration package given to the 3,028 children who had previously been demobilized between 2004 and 2006 and were already reintegrated into their families and communities. Those 246 children are included in the 626 who are scheduled to benefit from the programme funded by the World Bank.

VI. Other programmatic responses to grave violations

Sexual violence

43. Representatives of local traditional leaders (Bashingantahe), the Vice-Minister in charge of Human Rights and Gender, representatives of the Senate and the National Assembly of Burundi, representatives of civil society, including NGOs, and BINUB and UNICEF participated in a high-level conference to end sexual violence and impunity in the Great Lakes Region. The conference, held in Goma in the North Kivu province of the Democratic Republic of the Congo from 24 to 26 June 2008, adopted the Goma Declaration to end sexual violence and impunity in the Great Lakes Region. Subsequently, BINUB and UNICEF developed a joint strategy to fight sexual and gender-based violence in Burundi, which was the basis for sensitization sessions conducted by Human Rights Officers of BINUB and their partners among the community leaders, associations, including youth clubs, and other community outlets.

44. In November and December 2008, the Vice-Minister in charge of Human Rights and Gender, assisted by BINUB, organized sensitization activities in schools against sexual violence. The sensitization started with a campaign of 16 days of activism against gender-based violence and included 51 schools throughout the country. The sensitization was conducted in collaboration with the Ministry in charge of Gender, the Coalition of Men Fighting Violence against Women and the Association of Single Mothers. In January 2009, sensitization sessions conducted in schools in the provinces of Bujumbura Mairie, Bubanza and Bujumbura rural reached more than 6,000 children at the primary and the secondary levels, together with their teachers. Sensitization materials, including school material with messages against sexual violence, were distributed to participating schools. UNICEF, through its partners, also continued its assistance to the victims of sexual and gender-based violence and its prevention, ensuring the provision of support (medical and psychosocial care and/or legal assistance, as required) to the victims of sexual and gender-based violence in five provinces benefiting 809 victims, including 471 children. UNICEF also provided support to sensitization on the prevention of and fight against sexual and gender-based violence reaching 52,142 persons in Makamba, Muyinga, Ruyigi, Cankuzo, and Bujumbura rural provinces.

Prevention of child recruitment

45. Regarding the revision of the Penal Code which was promulgated on 22 April 2009, BINUB, UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR), together with national and international partners and experts, worked on proposed inputs to be included in the draft code and advocated for an improved justice system for children. After several actions undertaken to sensitize decision makers, the National Assembly adopted the revised Penal Code, which mandates that the recruitment procedures of the Burundian National Defence Forces (FDN) stipulate a minimum age of recruitment in the army of 18 years, and that anyone willing to enlist as an officer or non-commissioned officer must have completed secondary school.

46. BINUB and UNICEF continued to advocate for and sensitize major stakeholders on the necessity to include special protection measures for children in the transitional justice system in Burundi. BINUB and UNICEF undertook this

sensitization during national consultations with the population on transitional justice mechanisms, which took place in early July 2009.

47. During the period under review, BINUB, UNICEF, OHCHR and the United Nations Development Fund for Women ensured the training of officers and the briefing of soldiers of two Burundian military contingents to be deployed in Somalia under the African Union Mission for Somalia. Over 1,700 military personnel have received information and training on human rights, children's rights and child protection as well as on Security Council resolution 1612 (2005) monitoring and reporting mechanisms. In addition, BINUB, with financial and technical support from UNICEF and UNHCR, continued to provide training on human rights and children's rights, including special focus on the prevention of sexual and gender-based violence, to military and police personnel. In order to ensure that children's rights are taken into account by the military, UNICEF and partners, with the participation of BINUB, organized a training-of-trainers session with 30 FDN military instructors. The military instructors were trained on children's rights, international humanitarian law and child protection in times of peace, conflict and peacekeeping. This training also focused on the provisions of Security Council resolution 1612 (2005), with the aim of developing plans to train the remaining 25,000 soldiers deployed in the country and include specific training modules in military curricula. Action plans and programmes are planned to be developed and implemented by the end of 2009 and beyond.

48. The ongoing training and sensitization of the Burundi security forces have started to demonstrate a direct impact in the diminution of violations perpetrated against children. There has been a demonstrated reduction in registered cases among FDN over the last six months of the reporting period. The follow-up on cases with officials of national security forces of violations committed by their members has started to bear fruit in the area of addressing impunity, though more remains to be done.

VII. Recommendations

49. I am heartened by the fact that as of August 2009, there are no more known cases of children associated with armed groups in Burundi. The Government of Burundi, with the assistance of the United Nations country team in Burundi, the World Bank and partners, should undertake, as a priority, to ensure that all 626 children formerly associated with armed groups are fully reintegrated and that a viable protection and prevention system is in place to reduce the vulnerability of children to any possible new recruitment or rerecruitment.

50. The Government of Burundi, with support from its partners, should continue to ensure that children formerly associated with armed groups and other children identified as highly vulnerable are prioritized in longer-term community-based reintegration programmes, in compliance with the Paris Principles on children associated with armed forces or armed groups.

51. In the light of the above, the Security Council Working Group on children and armed conflict may wish, as a matter of follow-up on the gains and progress made in the protection of children in Burundi, to consider a visit to Burundi in the coming months to follow up on the progress made there in the reintegration of all children released from armed groups, to establish lessons learned.

52. The Government of Burundi, the United Nations system and child protection actors should also include the girls and boys formerly associated with armed groups, as appropriate, in any future community-based peacebuilding activities, such as youth ambassadors for peace.

53. A comprehensive strategy to combat sexual violence that ensures an end to impunity through the prosecution of perpetrators and that takes measures to provide support for girl and boy victims of sexual violence should be formulated and implemented by the Government of Burundi with the support of the United Nations country team.

54. I invite the Government of Burundi to establish rules and regulations to prevent the use of children in electoral violence, with specific attention to the need to prevent the utilization of children formerly associated with armed groups during the conflict.

55. The Government of Burundi is urged to ensure that children who are prosecuted for association with armed groups and crimes are treated in accordance with international standards specific to the rights of the child, in particular with regard to the age of criminal responsibility, due process and the principle of deprivation of liberty as a measure of last resort. In addition, the participation, as appropriate, and protection of child victims and witnesses in justice processes should be conducted in line with the United Nations guidelines for justice involving child victims and witnesses of crime.

56. I commend the leadership demonstrated by the Government of Burundi in ensuring, in cooperation with BINUB and the United Nations country team, systematic predeployment training for its peacekeeping troops. I call upon the Government of Burundi to consider, in conjunction with like-minded Member States and troop-contributing countries, forming a contact group within the C-34 committee to further advocate the need for systematic predeployment training on child protection for all peacekeeping troops.